



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph A. Rothnagel, et al.

Examiner: T. McKelvey

Serial No.: 09/880,253

Art Unit: 1636

Filed: June 13, 2001

Docket: 13711

For: EXPRESSION MODULATING
SEQUENCES

Dated: February 28, 2003

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED
MAR 10 2003
TECH CENTER 1600/2900

**RESPONSE PURSUANT TO 37 C.F.R. §§ 1.111 AND 1.143
AND PRELIMINARY AMENDMENT**

Sir:

In response to the Office Action dated December 31, 2002, setting forth a requirement for restriction, and in accordance with the provisions of 37 C.F.R. §§1.111 and 1.143, Applicants provisionally elect, with traverse, the subject matter of Group II, Claims 1, 3-5, 7-9, 11-12, 14-16, 32-33, 35-38, 42-43, 45-51, 75, 77-79, 81-87, 88-91, and 93-95, directed to methods of modulating the expression of a genetic sequence by introducing one or more ATG triplets. Applicants further submit the following preliminary amendment for entry in the above-identified case.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on February 28, 2003.

Dated: February 28, 2003


Michelle Mustafa

H:\work\536\13711\amend 13711.ram1.doc

2003 MAR 04 09:00:00 09880253

000000

36.00 00